

Issued June 3, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2394.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF COLD TABLETS.

On January 4, 1913, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Irwin, Neisler & Co., a corporation, Decatur, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on November 4, 1911, from the State of Illinois into the State of Indiana of a quantity of cold tablets which were misbranded. The product was labeled: (On bottle) "1000 Tablets Cold, No. 2. Morph. Sulph. $\frac{1}{24}$ grain, Tr. Aconite Rt. $\frac{1}{2}$ min. Tartar Emetic $\frac{1}{60}$ grain Po. Ipecac $\frac{1}{8}$ grain. Irwin, Neisler & Co. Manufacturing Pharmacists, Decatur, Ill."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Morphine sulphate, 0.0206 grain per tablet. Misbranding of the product was alleged in the information for the reason that the statement on the label thereof, to wit, "Morph. Sulph. $\frac{1}{24}$ grain," was false and misleading as it conveyed the impression that the product contained one twenty-fourth of a grain of morphine sulphate per tablet, whereas, in truth and in fact, each tablet of the product contained less than one twenty-fourth of a grain of morphine sulphate, to wit, 0.0206 grain, said product being deficient in morphine sulphate.

On January 4, 1913, the defendant company entered a plea of *nolo contendere* to the information and the court imposed a fine of \$10 and costs.

WILLIS L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 3, 1913.*